

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRENT T. STARR,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

Case No. C14-405-RAJ-MAT

ORDER DIRECTING RESPONSE TO
MOTION TO STAY HABEAS
PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Currently pending before the Court are petitioner's motion to stay his habeas petition pending full exhaustion of all claims in state court and petitioner's motion for an extension of time to file a response to respondent's answer to petitioner's federal habeas petition. Petitioner failed to note either of his motions on the Court's calendar for consideration and he apparently failed to serve either of his motions on counsel for respondent. Thus, neither of petitioner's motions is in compliance with the requirements of LCR 7(b)(1).

Typically, the Court would strike such motions and require petitioner to resubmit motions which fully complied with the Local Rules. However, given the time constraints

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01 associated with any potential return by petitioner to state court to exhaust remedies, this Court
02 deems it appropriate to waive the requirements of LCR 7(b)(1) for purposes of these motions.¹
03 The Court also deems it appropriate to obtain a response from respondent to petitioner's motion
04 to stay before it issues a ruling on that motion.

05 Accordingly, the Court hereby ORDERS as follows:

06 (1) Respondent shall file a response to petitioner's motion to stay these proceedings
07 (Dkt. 19) not later than ***October 6, 2014***.

08 (2) Petitioner's motion to stay (Dkt. 19) is NOTED on the Court's calendar for
09 consideration on ***October 10, 2014***.

10 (3) Petitioner's motion for an extension of time to file a response to respondent's
11 answer (Dkt. 21) is GRANTED. Respondent's answer is currently noted on the Court's
12 calendar for consideration on October 3, 2014, and petitioner's response is therefore currently
13 due by September 29, 2014. The Court deems it necessary to resolve petitioner's motion to
14 stay before setting a new deadline for petitioner to file a response. Thus, the current noting
15 date for respondent's answer (Dkt. 12) is STRICKEN. The Court will establish a new noting
16 date for the answer, and a new deadline for petitioner's response thereto, once petitioner's
17 motion to stay is resolved.

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22 ¹ Petitioner is advised that any future motion which does not fully comply with the requirements of LCR
7(b)(1) will be immediately stricken and will not be considered.

01 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for
02 respondent, and to the Honorable Richard A. Jones.

03 DATED this 26th day of September, 2014.

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06 Mary Alice Theiler
07 Chief United States Magistrate Judge
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